



STATE SENATOR

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2004 Post-Session Newsletter
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Defining Marriage



The traditional definition of marriage has been under attack in courts across America by special interest groups representing the same sex rights lobby.

Recently, the Massachusetts Supreme Court ruled that same sex marriages must be recognized under state law. A similar effort is underway in Indiana, as the Indiana Civil Liberties Union has sued on behalf of three same sex couples to have their relationships recognized as marriages in the Hoosier state.

The concept of one man, one woman marriage has been enshrined in our history, our laws, and our religious traditions for thousands of years and I believe it should be protected and promoted. Efforts to legit-

imize same sex marriage hurt the traditional institution of marriage and open the door to legal challenges in favor of polygamy and other outlandish behaviors.

Indiana law, as well as the law in 37 other states and federal law, currently defines marriage as the union of one man and one woman. However, if these interest groups are successful in their court challenge, an amendment to the Indiana Constitution is the only means available to protect our law and our traditions.

Four states currently have such an amendment, and President Bush called for an amendment to the U.S. Constitution in his State of the Union speech, and again recently.

To address this attack on traditional marriage, Senate Joint Resolution 7, which I co-authored, was introduced by Senator Brandt Hershman to amend the Indiana Constitution to define marriage and prevent recognition of same sex couples.

SJR 7 would have to be approved by two separately elected general assemblies and put on a statewide ballot for voter approval before it could become law.

The measure passed the full Senate by a vote of 42 to 7 after several hours of cordial debate and discussion. Unfortunately, when the resolution passed to the House of Representatives for consideration, the Speaker of the House declared that he would allow no public hearing on the matter.

In response, House Republicans lobbied for several weeks and attempted a variety of legislative maneuvers to convince the Speaker to reconsider. Unfortunately, the Speaker would not relent, so there will be no opportunity for citizens to vote on the issue until late 2008.

I believe this is a matter which should be addressed by the entire legislature and the citizens of Indiana through a statewide voting referendum, rather than through the actions of an activist judiciary.

Marriage should be constitutionally defined as the union of one man and one woman.



State Senator

Tom Weatherwax

Serving District 18 — Cass, Miami, Fulton, Kosciusko, Pulaski & Wabash Counties



2004 Facts & Figures

The Second Regular Session of the 113th General Assembly began on Organization Day, November 18, 2003, and adjourned March 4, 2004. The Senate met in session 34 days.

This non-budget year is known as the "short" session.

Senate bills introduced: 503
Senate joint resolutions introduced: 10

Senate bills passed: 19
Senate joint resolutions passed: 0

House bills introduced: 459
House joint resolutions introduced: 7

House bills passed: 80
House joint resolutions passed: 0

Percent of introduced bills that were sent to the governor: 10.3%

For more information about the General Assembly's 2004 session, visit us online at: www.in.gov/legislative

Visit my site at: www.in.gov/S18

Property Taxes Remain Priority

The Indiana General Assembly started the 2004 legislative session earlier than usual to address property tax issues. Ordinarily, the legislature convenes for one day on the third Tuesday in November, called Organization Day, in order to meet and do general 'housekeeping' business.

This session, legislators conducted committee meetings and held session in November and December to attempt to ease the property tax burden for homeowners, farmers, and employers hit with higher tax bills than expected.

Due to the court-ordered property tax reassessment, some problems have surfaced in a few counties around the state. During several weeks in the fall, members of the Senate Finance Committee met around the state to gather information and evaluate state policy on property taxes.

The result of the "mini-session," Senate Enrolled Act 1, includes many of the good ideas citizens offered to help address the problems.

What Senate Enrolled Act 1 Does:

- Allows counties to waive penalties assessed for late payment of property taxes
- Allows taxpayers to pay their property taxes in installments
- Extends the filing deadline for existing property tax deductions and exemptions
- Requires approval from elected officials of significant property tax increases by non-elected boards, such as libraries.
- Streamlines the property tax appeal process to make it easier for taxpayers
- Requires assessors to use most favorable assessment method for rental properties
- Repeals local governments' ability to raise and spend excess levies and requiring any excess funds to be used to reduce future levies

One of the most important provisions of SEA 1 will limit future property tax increases through strict controls on local government spending. In 2002, legislators tried to anticipate the effects of reassessment and

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Weatherwax Recognizes Outstanding Citizens

The state of Indiana would not be what it is without the unique people that many take for granted. I had the pleasure of honoring several of those people and organizations during this legislative session.

One business that the Senate recognized this year is Pike Lumber Company. Pike will celebrate its 100th birthday in November. I wasn't around to see the founding of this great company, but the people at Pike have been enjoyable, helpful and customer-driven for as long as I can remember.

The same can be said for Amber's Restaurant. Amber's hasn't been around as long as Pike, but it has left an impact on the city of Logansport. Frank and Lyle Jensen, who own and operate the eatery, open the doors to community events as often as possible. And as long as they keep serving delicious, down-home meals, I'll keep showing up for those meetings!

The last group I had the privilege to recognize this year is the outstanding Lewis Cass High School marching band. The Marching Kings moved up one class this year to compete with larger schools. Not only did they compete, but they won their third state championship.

Taking the initiative to go beyond what you have to do is what Indiana is all about, and we can learn something from these groups.



Legislature Defends Gun Owners' Rights

"The people shall have a right to bear arms, for the defense of themselves and the State." Article 1, Section 32 of the Indiana Constitution grants us the freedom to own firearms and store them in our homes. In Indiana, however, if someone is in your home, steals your gun, and injures or kills someone, you can be held liable.

Last April, the Indiana Supreme Court ordered gun owners to store their guns properly in their own homes or face possible lawsuits. We in the Senate want to protect the more than 300,000 gun owners in Indiana who are law-abiding citizens. House Enrolled Act 1349 prevents gun owners from being sued if their guns were stolen and used to commit a crime.

Many opponents of this legislation argue that the bill grants too much protection to gun owners, especially those who are reckless in storing their guns. On one hand, gun owners should be responsible for their guns and keep them in safe places away from strangers and known criminals. However, this bill does not protect those who are reckless.

Should you be held liable for the unconscionable acts committed by a criminal simply because your property assisted in that act? Clearly, the legislature believes the answer should be no. The protection afforded in the legislation is no different than if someone were to steal your car, which you legally own, and injure someone with it. The driver, not the owner, maintains liability.

HEA 1349 also limits the ability of Indiana's prison inmates to file frivolous lawsuits. Some offenders file lawsuits repeatedly, and this bill allows a judge to dismiss them if they have no merit. These suits tie up the local courts and make it difficult to conduct legitimate business.

This provision attempts to restore social responsibility and place blame where it belongs-on the offender, not the law-abiding citizen.

Protecting Our Children



One of the most critical issues addressed during the session is child protection. Several provisions passed this year that will take Indiana one step closer to removing the problem of child abuse, neglect and molestation.

Recent cases where an innocent child has died, such as the Anthony Bars case in Indianapolis and several child protective services mishaps across the state, prompted this push to improve child services.

One of these bills sets up more safeguards for children placed through child protective services, including more extensive background checks for temporary placement homes. Anthony Bars was an Indianapolis child who was placed with a family member with a history of abuse. Anthony's caseworker had not done a criminal background check and was tragically killed. Situations like these can be avoided with the help of this legislation.

PROPERTY TAX

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passed a bill that shifted the tax burden to sales and gaming taxes in order to generate an additional \$1 billion in tax relief for property owners.

Property taxes are very complex compared to other ways government programs and services are financed and the debate continued when session reconvened in January. House Enrolled Act 1001 was enacted to clarify and update language in SEA 1.

Senators also recognized the need to restore the value of certain targeted property

Another bill defines a child in need of services as a child who lives in the same home as a sexually abused child and lives with an adult who is a sex offender. If one child in a household is abused, statistics show that another child in that house has an 80 percent chance of being abused.

Another provision sets up a fatality review team to investigate unexpected deaths of children. Additionally, House Enrolled Act 1194 requires the state to publicly disclose information relevant to the death of a child because of abuse, abandonment or neglect

Overall, the number of deaths related to child abuse is down in Indiana. The number dropped from 69 in 2002 to 51 in 2003. One child's death, though, is too many. The General Assembly will continue to work to give agencies the tools and guidelines they need to protect Indiana's children.

tax deductions to levels prior to the reassessment. SEA 296 updates existing deductions for the elderly, blind or disabled, wartime service disabled, disabled veteran, surviving spouse of a WWI veteran, WWI veteran, residential property rehabilitation, historic property rehabilitation, and residentially distressed area property rehabilitation.

We want to be fair and do what's right for Hoosier homeowners, farmers and family businesses. There are no quick and easy solutions. The newly formed Property Tax Replacement Study Commission will study the elimination of property taxes over the summer and work toward solutions that reflect the concerns of all Indiana taxpayers.

WORKING - for - JOBS

Creating jobs and providing a boost to the economy are a top priority for our state. In 2003, the Senate passed legislation with significant economic development measures, dubbed the JOBS plan. Economic development is full time work, and we are constantly trying to improve our business climate here in Indiana to help more Hoosiers find jobs. Despite a \$1 billion state budget deficit, the Senate has continued to seek new ways to foster a more a competitive atmosphere for businesses in Indiana.

One significant bill, House Enrolled Act 1365, passed the Senate this session and should provide some new momentum for our economic development efforts. It is a combination of several bills that focus on expanding small businesses investment, improving research and development and encouraging growth around the state.

One of the provisions included in HEA 1365 was taken from Senate Bill 272, which I authored. The bill provides extra incentives for businesses to build or expand on military bases. Grissom is a very important part of our regional economy, and it is time now to look at other incentives so we can do whatever it takes to keep jobs here in our state.

I have worked hard on SB 272 this session, and it looked bleak when the House of Representatives came to a standstill. I went back one more time, though, presented the entire concept to a conference committee, explained its importance and asked for their support.

Because of changes I recommended to the committee, the Technology Park incentives will be applicable to all military bases in our state, including Grissom. This is a very important economic development tool for our state. The bill gives tax incentives for locating new operations in enterprise areas. Currently, the main incentive for opening businesses in these areas is to avoid the inventory tax. That benefit will disappear, however, as Indiana drops the inventory tax statewide over the next few years as the result of a bill I authored in 2002.

The tax breaks include a sales tax exemption for sales of utility services made to the business and an adjusted income tax rate of 5 percent, versus the current 8.5 percent for five years. Citizens who invest in these companies will also receive significant cost credits. Businesses that close or reduce operations in other parts of the state in order to move to the enterprise areas



At a Senate Finance Committee, Sen. Weatherwax testified on the importance of SB 272, which provides extra incentives for business to build or expand on military bases, like Grissom.

will not be eligible for the tax breaks.

Economic Development Provisions in HEA 1365

- Makes several research and investment tax credits permanent.
Economic Importance: Businesses will have confidence to invest in creating innovative new products knowing the credits are stable.
- Adds the Emerging Technology Grant Fund to the 21st Century Research and Technology Fund.
Economic Importance: The Fund will match federal grants for small-sized technology-based businesses to accelerate the commercialization of new discoveries in the life sciences, information technology, advanced manufacturing, or logistics industries.
- Improves rules regarding Community Revitalization Enhancement Districts (CREDS).
Economic Importance: CREDS are important economic development tools for the downtown areas of our cities. Expanding and improving CREDS will further these efforts.
- Allows local governments to assess an annual fee to recipients of tax abatements.
Economic Importance: The fee would be used by local economic development boards to help provide more jobs within the area. It would help small rural communities that do not have big budgets for economic development.
- Repeals the sales tax on complimentary hotel rooms.
Economic Importance: Indiana will be more competitive with other states in attracting tourism and convention business.

The provisions mentioned are only several of many economic development bills filed this session. We will continue our effort to provide Indiana with the tools needed to improve our economic climate.

HOUSE ENROLLED ACT 1265 — Establishes a program pooling state employees to negotiate lower prices for bulk purchases of prescription drugs. Applies to schools, state colleges and universities, and cities and towns. **PASSED. My vote: YES**

SENATE BILL 85 — Makes it illegal to have open alcoholic beverage containers in a motor vehicle, regardless of whether or not the driver has been drinking. This law would bring Indiana \$4 million in federal funds. **FAILED. My vote: YES**

HOUSE ENROLLED ACT 1082 — Requires a review of entries in the Missing Children Clearinghouse within 60 days after the review required by laws governing reports made to the National Crime Information Center (NCIC). **PASSED. My vote: YES**

SENATE ENROLLED ACT 194 — Various measures help protect children by ensuring the safety of those who live with a convicted child abuser. Opens state records regarding a child who died as a result of abuse, abandonment, or neglect. **PASSED. My vote: YES**

SENATE JOINT RESOLUTION 7 — Would have begun the process of amending the state constitution to define marriage as the union of one man and one woman. Because it failed in the House, the earliest the provision could appear on the ballot is 2008. **FAILED. My vote: YES**

SENATE ENROLLED ACT 86 — Allows a voter to check "address unchanged" box on poll list instead of writing entire address when signing in to vote. Would save voters time when polls are crowded. **PASSED. My vote: YES**